

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALLIED WORLD SURPLUS LINES  
INSURANCE COMPANY formerly known as  
DARWIN SELECT INSURANCE COMPANY a  
subrogee of Tappan Zee Constructors, LLC,

ORDER TO SHOW CAUSE

Petitioner(s),

19-cv-06931 (PMH)

v.

HOFFMAN INTERNATIONAL, INC., d/b/a  
HOFFMAN EQUIPMENT COMPANY, THE  
MANITOWOC COMPANY, INC. and GROVE  
U.S. LLC

Defendants.

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PHILIP M. HALPERN, United States District Judge:


On April 16, 2020, this case was reassigned to me. On April 17, 2020, I issued an Order directing the parties to submit a joint letter to the Court via ECF concerning the status of this action. (Doc. 7). On April 30, 2020, the parties complied with my Order and advised by letter that this removed subrogation case was proceeding under a case bearing docket number 19-cv-7073, which was pending before Judge Karas. (Doc. 9). On May 12, 2020, the case bearing docket number 19-cv-7073 was reassigned to me. A related action bearing docket number 17-cv-08874 had been referred to Magistrate Judge McCarthy for all purposes on consent of the parties. On June 2, 2020, the parties consented in the case bearing docket number 19-cv-7073 to proceed before Magistrate Judge McCarthy for all purposes as related to case 17-cv-08874. Since the parties' April 30, 2020 letter advising that they believed this matter was combined into the matter proceeding under docket number 19-cv-7073 (*see* Doc. 9), there has been no activity on this docket.

Under Rule 41(b), “a district judge may, *sua sponte*, and without notice to the parties, dismiss a complaint for want of prosecution....” *Taub v. Hale*, 355 F.2d 201, 202 (2d Cir. 1966); *West v. City of New York*, 130 F.R.D. 522, 524 (S.D.N.Y. 1990); *Lewis v. Hellerstein*, No. 14-CV-07886, 2015 WL 4620120, at \*1-2 (S.D.N.Y. July 29, 2015); *Haynie v. Dep’t of Corr.*, No. 15-CV-4000, 2015 WL 9581783, at \*1-2 (S.D.N.Y. Dec. 30, 2015).

Accordingly, it is hereby ORDERED that respondent show cause in writing on or before August 21, 2020, why this removed action should not be dismissed with prejudice for want of prosecution pursuant to Fed. R. Civ. P. 41(b). Failure to comply with this Court’s Order will result in dismissal of this case.

SO-ORDERED:

Dated: New York, New York  
August 3, 2020

  
Philip M. Halpern  
United States District Judge